

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:12-CV-00701-RJC

MILLER )  
          )  
v.        )  
          )  
UNITED STATES OF AMERICA      )                          ORDER  
          )  
          )

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**THIS MATTER** is before the Court upon remand from the United States Court of Appeals for the Fourth Circuit with instructions to grant Petitioner's Motion to Vacate pursuant to 28 U.S.C. § 2255. (Doc. No. 12: Published Opinion). With the issuance of the court's mandate, (Doc. No. 13), this matter is ripe for disposition.

**IT IS, THEREFORE, ORDERED** that Petitioner's Motion to Vacate his criminal conviction in Case No. 3:07-CR-59, (Doc. No. 3), is GRANTED.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: September 20, 2013

  
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Robert J. Conrad, Jr.  
United States District Judge 